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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

FILED

1/12/2015

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Cristen Rhinehart

Plaintiff(s),

vs.

Village of Sauk Village, Gary Luke,

Defendant(s).

Case No.

15cv101

Judge John Z. Lee

Magistrate Judge Mary M. Rowland

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is Cristen Rhinehart.

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, Gary Luke, _____, is
(name, badge number if known)
- ☒ an officer or official employed by Village of Sauk Village Police Department
(department or agency of government) _____ or
- ☐ an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is Village of Sauk Village. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about Jan. 1, 2015, at approximately 12:12 ☒ a.m. ☐ p.m.
(month, day, year)
- plaintiff was present in the municipality (or unincorporated area) of Village of
Sauk Village, in the County of Cook,
State of Illinois, at 21920 Olivia Avenue,
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows (***Place X in each box that applies***):

- ☒ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- ☒ searched plaintiff or his property without a warrant and without reasonable cause;
- ☒ used excessive force upon plaintiff;
- ☒ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- ☐ failed to provide plaintiff with needed medical care;
- ☒ conspired together to violate one or more of plaintiff's civil rights;
- ☐ Other:

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: **(Leave blank if no custom or policy is alleged):** _____

8. Plaintiff was charged with one or more crimes, specifically:

Reckless Discharge of a Firearm and Child Endangerment

9. **(Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other")** The criminal proceedings

☒ are still pending.

☐ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.¹

☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows _____

☐ Other: _____

¹Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

10. Plaintiff further alleges as follows: *(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)*

On or about Jan 1, 2015 at approximately 12:12 am, Defendant Gary Luke, banged repeatedly at the front door of 21920 Olivia Avenue. Plaintiff, Cristen Rhinehart's reply from behind the close door was, "Who is it?". No one replied. Plaintiff, Cristen Rhinehart, then turned on the lighting of the front porch and opened the front door slightly. Defendant, Gary Luke then asked, Plaintiff Cristen Rhinehart "to step out of his home." Plaintiff, Cristen Rhinehart's reply to Defendant, Gary Luke's request was, "Why?". Defendant, Gary Luke replied, "To have a talk." Plaintiff, Cristen Rhinehart responded, "We can have a talk like this." Defendant Gary Luke then replied, "If you don't step out, I'll go get a warrant and come in." Plaintiff, Cristen Rhinehart, said "You go get the warrant and I'll be right here." Defendant, Gary Luke said something over his two way radio and no one responded. Then Defendant Gary Luke entered the home of Cristen Rhinehart.

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

Mentally, Emotionally And Physically

13. Plaintiff asks that the case be tried by a jury. ☐ Yes ☒ No

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

WHEREFORE, plaintiff asks for the following relief:

- A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;
- B. ☒ (Place X in box if you are seeking punitive damages.) Punitive damages against the individual defendant; and
- C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: 

Plaintiff's name (print clearly or type): Cristen Rhinehart

Plaintiff's mailing address: 21920 Olivia Avenue

City Sauk Village State IL ZIP 60411

Plaintiff's telephone number: (708) 466-4836.

Plaintiff's email address (if you prefer to be contacted by email):

cristenrhinehart@yahoo.com

15. Plaintiff has previously filed a case in this district. ☒ Yes ☐ No

If yes, please list the cases below.

Case# 2012CV07290

Rhinehart v. Kalafut et al

Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.

Cristen Rhinehart

Plaintiff

V.

Village of Sank Village
Defendant

Defendant

**United States District Court
Northern District of Illinois**

COMPLAINT

This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. 1983, 1985, and 1986.

On or about January 1, 2015 at approximately 12:12 am, Village of Sauk Village Police Officers, Gary Luke, Chad Fredericksen, Michael Brown and Frank White arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime; searched plaintiff or his property without a warrant and without reasonable cause; used excessive force upon plaintiff; failed to intervene to protect plaintiff from violating plaintiff's civil rights by one or more other defendants and conspired together to violate one or more of plaintiff's civil rights.

Therefore Plaintiff Cristen Rhinehart is seeking \$100,000.00 for emotional distress, mental distress and financial distress.